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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,173	11/30/2001	Khiem Le	NC17216 (NOKII3-17216)	9510
43829	7590	11/22/2006	EXAMINER BROWN, CHRISTOPHER J	
ROBERT M BAUER, ESQ. LACKENBACH SIEGEL, LLP 1 CHASE ROAD SCARSDALE, NY 10583			ART UNIT 2134	PAPER NUMBER

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/000,173	LE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher J. Brown	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5,8-17 and 19-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5, 8-17, 19-21 is/are rejected.  
 7) Claim(s) 8-11 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

The Request for Continued Examination has been received and accepted.

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, and 15 have been considered but are moot in view of the new ground(s) of rejection. The application is rejected over Fuccello US 2002/0019985 in view of Malkin US 6,061,650, where Fuccello provides for the mobile structure as cited in claim 1, and Malkin is relied upon for indicia and details regarding the identifier.

### *Claim Objections*

2. Claims 8-11 are objected to because of the following informalities: Claims 8-11 comprise a dependency chain based off of the now cancelled claim 7. The applicant has indicated that claim 7 has been rewritten as claim 21. It appears that claims 8-11 are dependent on claim 21. The examiner is interpreting them as such. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-4 state "the apparatus of claim 1" and claim 5 states "the apparatus of claim 4". Claim 1 appears to be a communication system claim, and the apparatus mentioned in claim 1, does not include the authenticator. The examiner suggests replacing "the apparatus of" with "the communication system of".

Claim 13 recites the limitation "communication system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 9-12, 15-17, and 19-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuccello US 2002/0019985 in view of Malkin US 6,061,650**

As per claims 1, and 15 Fuccello teaches a communication system having a network part including at least a first access network portion and a core network portion (access node

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and authentication server), [0017], [0080]. Fuccello teaches the at least first access network portion being coupled to the core network portion, and the communication system (coupled) [0017], [0080]. Fuccello teaches a mobile station operable to communicate by way of at least one selected access network portion of the at least first access network portion once authenticated through interaction with a selected authenticator associated with the selected access network portion (authentication of mobile station) [0017], [0080]. Fuccello teaches apparatus for facilitating authentication of the client to communicate in the communication system, said apparatus comprising: an identifier (access point) coupled to the client and the core network portion to receive a request by the client through interaction with the selected authenticator,

Fuccello does not teach said identifier for identifying indicia associated with the selected authenticator, the indicia being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy located at the at least first access network portion.

Malkin teaches said identifier (gateway) for identifying indicia associated with the selected authenticator (authentication server), the indicia (IP address) being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy (gateway) located at the at least first access network portion, (Col 4 lines 15-32).

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It would have been obvious to one of ordinary skill in the art to use the indicia of Malkin with the wireless authentication of Fuccello because it allows the mobile station to choose a specific authentication server.

As per claims 2, 10 and 16 Fuccello does not teach including indicia. Malkin teaches that the selected authenticator (authentication server) is coupled to the core access network (home network), the selected authenticator having an address associated therewith (IP address), and wherein the indicia identified by said identifier (gateway) and used to facilitate delivery of the authentication request to the selected authenticator comprises address indicia representative of the address associated with the selected authenticator (Col 4 lines 15-32), Fig 1.

As per claims 3, 11, and 17 Fuccello does not teach indicia. Malkin teaches the selected authenticator authenticates the mobile station through effectuation of a selected authentication method, and wherein the indicia identified by said identifier and used to facilitate delivery of the authentication request comprises authentication-method indicia representative of the selected authentication method. (authentication protocol) (Col 2 lines 55-57, Col 4 line 18).

As per claim 9, Fuccello does no teach indicia, Malkin teaches a request message forwarder (gateway) which includes an indicia field populated with values identified by said identifier to be associated with the authenticator (IP address, authentication protocol), (Col 4 lines 15-27).

As per claim 12, Fuccello teaches that said identifier (access node) is positioned at the mobile station (part of a LAN) [0016].

As per claim 19, Fuccello does not teach indicia. Malkin teaches the operation of forwarding a request message representative of the authentication request, the request message including the indicia associated with the authenticator (IP address), (Col 4 lines 15-32).

As per claim 20, Fuccello does not teach protocol. Malkin teaches the request message forwarded during said operation of forwarding comprises a signaling protocol message (protocol compatible with AS) containing an indicia field containing values representative of the indicia identified during said operation of identifying (containing IP address and authentication protocol) (Col 4 lines 15-27).

It would have been obvious to one of ordinary skill in the art to use the protocol of Malkin with the system of Fuccello so that the authenticator could properly understand the authentication request.

As per claim 21, Fuccello teaches a communication system having a network part including at least a first access network portion and a core network portion (access node and authentication server), [0017], [0080]. Fuccello teaches the at least first access network portion being coupled to the core network portion, and the communication system (coupled) [0017], [0080]. Fuccello teaches a mobile station operable to communicate by way of at least one selected access network portion of the at least first

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access network portion once authenticated through interaction with a selected authenticator associated with the selected access network portion (authentication of mobile station) [0017], [0080]. Fuccello teaches apparatus for facilitating authentication of the client to communicate in the communication system, said apparatus comprising: an identifier (access point) coupled to the client and the core network portion to receive a request by the client through interaction with the selected authenticator,

Fuccello does not teach said identifier for identifying indicia associated with the selected authenticator, the indicia being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy located at the at least first access network portion, wherein said proxy of which said identifier is formed comprises an authentication request detector and a request message forwarder, said authentication request detector detecting the authentication request and said request message forwarder forwarding a request message representative of the authentication request, the request message including the indicia associated with the authenticator.

Malkin teaches said identifier (gateway) for identifying indicia associated with the selected authenticator (authentication server), the indicia (IP address) being used to facilitate delivery of the authentication request to the selected authenticator, said identifier being formed of a proxy (gateway) located at the at least first access network portion, (Col 4 lines 15-32).

Malkin teaches identifier is formed comprises an authentication request detector (receives message) and a request message forwarder (forwards message), said authentication

request detector detecting the authentication request and said request message forwarder forwarding a request message representative of the authentication request (reformatted message), the request message including the indicia associated with the authenticator (includes IP address) (Col 4 lines 15-32).

**Claims 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuccello US 2002/0019985 in view of Malkin US 6,061,650 in view of Melaku US 2003/0032414**

As per claim 4, the previous Fuccello-Malkin combination does not teach a second access network portion, or authenticator.

Melaku teaches the at least the first access network comprises the first access network and at least a second access network, wherein a first authenticator, coupled to the core network portion, is associated with the first access network portion and at least a second authenticator, also coupled to the core network portion, is associated with the at least the second access network portion, and wherein the indicia identified by said identifier identifies which of the first and at least second authenticators to which the authentication request is to be delivered (Multiple networks and authentication servers) [0022], Fig 1.

It would have been obvious to one of ordinary skill in the art to use the multiple networks and authentication servers of Melaku with the system of Fuccello-Malkin in order to reduce network traffic, and or to create redundancy and stability.

As per claim 5, the previous Fuccello-Malkin combination teaches the indicia identifying to which of the first and at least second authenticators that the authentication request is to be delivered identified by said identifier (gateway) is identified responsive to identification of through which of the first and at least second access network portions that the authentication request is made (Authenticator IP address) (Malkin Col 2 lines 33-45, Col 4 line 17).

As per claim 8, the previous Fuccello-Malkin teaches a message forwarder but does not explicitly teach text-based protocol. Melaku teaches the communication system utilizes a text-based signaling protocol scheme (SMSC protocol), [0022].

It would have been obvious to one of ordinary skill in the art to use the SMSC protocol of Fucello-Malkin with

**Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuccello US 2002/0019985 in view of Malkin US 6,061,650 in view of Ahonen US 2001/0009025**

As per claim 13 the previous Fuccello-Malkin combination does not teach indicia where the indicia is pursuant to origination by the mobile station.

Ahonen teaches the mobile station is operable to originate a communication session therefrom and wherein said identifier (Firewall) identifies the indicia pursuant to origination by the mobile station of the communication station (source IP) [0013].

It would have been obvious to one of ordinary skill in the art to use the source address of Ahonen with the system of Fuccello-Malkin so that the Authentication Server could respond to the mobile station.

As per claim 14, the previous Fuccello-Malkin combination does not teach a registration procedure. Ahonen teaches the mobile station is operable to initiate a registration procedure and wherein said identifier (Firewall) identifies the indicia pursuant to the registration procedure initiated by the mobile station, [0109], [0110], [0111].

It would have been obvious to one of ordinary skill in the art to use the registration of Ahonen with the system of Fuccello-Malkin in order for the authenticator to register data to authenticate.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/13/06

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